

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1694 – SB 1682

April 12, 2016

SUMMARY OF ORIGINAL BILL: Requires that a motion picture, film, or video count as 51 images for purposes of sexual exploitation of a minor under Tenn. Code Ann. § 39-17-1003.

Creates a new Class E felony for sexual contact with a minor if the minor is under 13 years of age.

Expressly makes aggravated sexual battery a lesser included offense of rape of a child.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$415,400/Incarceration*

SUMMARY OF AMENDMENT (015909): Deletes all language after the enacting clause and rewrites the bill to broaden the Class A misdemeanor of sexual contact with any minor, not just minors between 13 and 18 years of age, by an authority figure at least four years older than the minor.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase Local Expenditures – \$27,000*

Assumptions for the bill as amended:

- Tennessee Code Annotated § 39-13-509 makes it an offense to engage in unlawful sexual contact with a minor by an authority figure when the minor is at least 13 but less than 18 years of age and the defendant is at least four years older than the minor. Sexual contact by an authority figure is a Class A misdemeanor.
- The bill as amended broadens the offense to apply to sexual contact with any minor, not just a minor at least 13 but less than 18 years of age, by an authority figure at least four years older than the minor.

- Statistics from the Administrative Office of the Courts (AOC) show an average of 1.5 convictions per year for sexual contact with a minor (between 13 and 18 years of age) by an authority figure.
- These statistics represent convictions at the state court level—circuit or criminal court. It is assumed that only 10 percent of misdemeanor convictions are at the state court level; the rest are disposed of in general sessions court. It is assumed that there are a total of 15 convictions (1.5 x 10) per year for violations of Tenn. Code Ann. § 39-13-509.
- It is assumed that the proposed legislation will result in five new Class A misdemeanor admissions each year.
- Insufficient data exists on the average time served for sexual contact with a minor by an authority figure. It is assumed that the average time served is 90 days.
- The estimated 2016 cost per inmate per day for local jails is \$60.00.
- The bill as amended will increase local incarceration costs by \$27,000 (90 days x \$60.00 per day x 5 defendants).

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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